

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
(U 39 M) for Authority to Establish its
Authorized Rates of Return on Common Equity
for Electric Utility Operations and Gas
Distribution for Test Year 2003.

Application 02-05-022

And Related Matters.

Application 02-05-025

Application 02-05-026

Application 02-05-031

**ADMINISTRATIVE LAW JUDGE'S RULING
ON AGLET'S ELIGIBILITY TO CLAIM COMPENSATION**

Notice of Intent

Aglet Consumer Alliance (Aglet) filed a Notice of Intent (NOI) to claim compensation in this proceeding, pursuant to § 1804 of the Public Utilities Code.¹

To be found eligible to claim compensation, the NOI must be filed within 30 days after a Prehearing Conference (PHC) is held and served on all parties to the proceeding. The NOI must identify the customer category for which the party seeks eligibility, provide a statement of the nature and extent of planned participation in the proceeding, provide an itemized estimate of the

¹ All statutory references are to the Public Utilities Code unless otherwise stated.

compensation it expects to request, and may demonstrate the existence of a significant financial hardship.

There was no filed opposition to Aglet's NOI to claim compensation.

Prehearing Conference

A PHC was held in this proceeding on June 21, 2002. Aglet filed its NOI on July 8, 2002, well within the 30th day after the PHC, and served a copy on all parties of record. Hence, Aglet has satisfied this requirement.

Customer Category

Pursuant to Decision (D.) 98-04-059,² a party seeking eligibility to claim compensation must identify the percentage of its membership that are residential ratepayers and demonstrate whether the party is a participant representing customers,³ a representative authorized by a customer, or a representative of a group of organization.

Aglet, an unincorporated nonprofit association, is registered with the State of California Secretary of State as Reg. No. 6861. Aglet is a group authorized pursuant to its articles of organization and bylaws to represent and advocate the interests of residential and small commercial customers of electric, gas, water and telephone utilities in California. A copy of Aglet's articles and bylaws is attached to its June 11, 1999 NOI filed in Pacific Gas and Electric Company's (PG&E) Application 99-03-014.

² Re: Rulemaking and Investigation into the Intervenor Compensation Program, D.98-04-059, mimeo., pp. 83 and 88, (1998).

³ The term customer is defined in § 1802(b).

At the present time, all of Aglet's members are residential utility customers, including customers of applicants PG&E, Southern California Edison Company, Sierra Pacific Power Company and San Diego Gas & Electric Company. Approximately 30% of the members also operate small businesses with separate energy or telephone utility service.

Aglet is a customer as defined by § 1802(b) and has satisfied the customer criteria set forth in D.98-04-059.

Planned Participation

Aglet intends to participate actively by conducting discovery, preparing testimony, defending its testimony in hearings, cross-examination of other witnesses, and filing of briefs, comments and other pleadings, as necessary. Aglet's participation will focus on business risk factors facing the utilities, financial models, and present estimates of utility returns on equity for the test year.

Aglet has satisfied the planned participation criteria set forth in § 1804(a)(2)(A)(i) of the Public Utilities Code.

Estimated Compensation Request

Aglet submitted an itemized estimate of the compensation it expects to request for its participation in the proceeding. Aglet will provide time records, expense records and justification for its hourly rates in a request for an award of compensation, if it eventually files one. The total amount of its estimated request is \$90,460, as detailed below.

Category	Hours	Rate	Total
James Weil - Direct Time	260	\$220	\$57,200
James Weil - Travel & Other	24	\$110	\$2,640
Consultant - Direct Time	125	\$220	\$27,500

Consultant – Travel Other	12	\$110	\$1,320 400
Copy, Postage, & Other			\$1,400
Total			\$90,460

Aglet has filed a reasonable estimate of its expected compensation in this proceeding, pursuant to § 1804(a)(2)(A)(ii).

Significant Financial Hardship

Aglet seeks a finding that its participation will pose a significant financial hardship, as defined in § 1802(g). In support of its request, Aglet represents that it received a significant financial hardship finding in the Commission’s Rulemaking 01-05-047 pursuant to a March 7, 2002 ruling. Aglet further contends that that finding created a rebuttal presumption of eligibility for compensation in this proceeding.

To meet a rebuttal presumption that a significant financial hardship exists, Aglet is required to demonstrate that it received a finding of significant financial hardship in another Commission proceeding within one year prior to its current request.⁴ With this proceeding commencing on May 8, 2002, and prior to the March 7, 2003 expiration of Aglet’s rebuttal presumption of eligibility provided by a March 7, 2002 ruling, a presumption of significant financial hardship exists for Aglet in this proceeding.

IT IS RULED that:

1. Aglet Consumer Alliance (Aglet) timely filed a NOI for compensation in this proceeding.
2. Aglet is a customer as defined by § 1802(b).

⁴ See § 1804(b)(1)(a).

3. Aglet has provided an adequate description of its planned participation in this proceeding.

4. Aglet has provided a reasonable estimate of its expected compensation in this proceeding.

5. Aglet is eligible to file a claim for compensation in this proceeding.

6. Aglet has demonstrated a rebuttal presumption that it will face a significant financial hardship in this proceeding. This rebuttal presumption continues to exist for Aglet in other proceedings that commence prior to March 7, 2003.

Dated July 22, 2002, at San Francisco, California.

/s/ MICHAEL J. GALVIN

Michael J. Galvin
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Aglet's Eligibility to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated July 22, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.